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CITY INVITES PROPOSALS FOR MT. SOLEDAD
Bids Accepted Through July 31, 1998, for Organization to Maintain War Memorial

The City of San Diego is inviting proposals from private non-profit corporations interested in purchasing approximately one-half acre of property in the Mt. Soledad Natural Park for the purpose of maintaining an historic war memorial. The property is presently the site of a large, Latin cross which has been the subject of litigation since 1989. The City is neither requiring nor precluding the retention or maintenance of a cross in its invitation for proposals.

In 1993, a federal appellate court affirmed a ruling of the United States District Court that the permanent presence of a Latin cross in a public park was unconstitutional. Both courts indicated the City had the option of either removing the cross or selling the property upon which it stands.

In the June, 1992, primary election the voters of the City of San Diego, by a majority of 76%, authorized the removal from dedicated park status of that portion of Mt. Soledad Natural Park necessary to maintain the property as an historic war memorial, and the transfer of the same parcel by the City to a private non-profit corporation for not less than fair market value. Pursuant to that voter authorization, the City sold approximately 222 square feet of land immediately beneath the cross to the Mt. Soledad Memorial Association, a civic organization which had maintained the cross since the 1950's.

In September, 1997, the United States District Court ruled the sale of this parcel to the Memorial Association did not cure the constitutional infirmities identified in the court's initial ruling. The court found fault with both the method of sale and the small amount of land involved.

In response to this ruling, the City has arranged to re-acquire the parcel sold to the Memorial Association and is requesting proposals from private non-profit corporations to purchase a circular portion of property, approximately one-half acre in size, which includes the smaller parcel upon which the cross presently stands. This latest proposal is modeled after a settlement reached in a similar lawsuit involving the cross on Mt. Davidson in San Francisco. To settle the Mt. Davidson lawsuit the City of San Francisco sold approximately one-third of an acre of property surrounding the cross to an Armenian American civic organization which plans to maintain the cross as a memorial to Armenians who perished under the rule of the Ottoman Empire. Last July the plaintiffs in the San Diego litigation advised the court that the settlement in San Francisco would be an acceptable model for resolution of the San Diego lawsuit. They have apparently changed their view since.

Proposals to purchase the property will be evaluated without regard to whether or not the organization submitting the proposal plans to maintain a cross on the site. Proposals will be accepted until the end of July.

The City will evaluate all proposals on the basis of: 1) bid on the sale price, 2) financial capability, 3) expertise regarding the proposed use, and 4) the use proposed--without regard to whether or not such proposal includes the retention or maintenance of a cross. The City is reserving the

right to reject any or all proposals.

Organizations interested in submitting a proposal should contact Lucille M. Goodman of the City's Real Estate Assets Department, 1200 Third Avenue, Suite 1700, San Diego, California 92101. Phone: (619) 236-6720.

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